

a<sup>2</sup> -- [17] According to an exemplary embodiment of the present invention, the wireless device 14 includes a data rating application that is capable of detecting factors and events in the wireless device 14 that relate to data transmissions to and from the wireless device 14. The factors available for rating the data communication session and the events provided by the network 10, and ultimately the wireless device 14, for detecting those factors are dependent upon the network 10 and the wireless device 14. The data rating application can reside on executable memory within the wireless device 14. Such memory can be one of any type such as ROM, EPROM, or flash memory. The data rating application can store dynamic data in RAM and utilize nonvolatile memory such as EEPROM or flash memory to store control data. Alternatively, the data rating application can reside on a smart card, such as a universal subscriber identification module (USIM) or Removable Universal Identity Module (R-UIM), which is attachable to the wireless device 14.--

✓  
Please replace paragraph [38] on page 10 with the following rewritten paragraph:

a<sup>3</sup> -- [38] According to a second exemplary rating option, a factor used to select a rating option is based on data utilization, or more specifically, the rating for data obtained during the data communication session between the network 10 and the wireless device 14 is based on the wireless device 14 (or an application thereon) using the data (which itself may be an application). For example, if the data obtained by the wireless device 14 during a data communication session is a game application, when the game application is initiated or executed, the data rating application uses this information in selecting a rating option. --

IN THE CLAIMS:

✓  
Please cancel claim 1 in its entirety without prejudice and add claims 2-128 as follows.

1. (Canceled)

a<sup>4</sup> 2. (New) A system for determining a charge in connection with a data communication session, comprising:  
a wireless device capable of communicating with a network; and